

## **DEFICIENCY PROGRESS REPORT – UPDATE 4**

**September 15, 2009**

**CUPA: FRESNO COUNTY DIVISION OF ENVIRONMENTAL HEALTH**

**Evaluation Date: May 7 and 8, 2008**

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**Update 2 Submittal Date:** February 5, 2009

**Deficiencies corrected with Update 2:** 1, 2, 8

**Status:** Deficiencies 3, 5, and 11 remain outstanding.

**Update 3 Submittal Date:** April 27, 2009

**Status:** Deficiencies 3, 5, and 11 remain outstanding.

**Update 4 Submittal Date:** August 15, 2009

**Status:** Deficiencies 3, 5 and 11 remain outstanding.

**Next Progress Report (5<sup>th</sup> Update) Due: December 14, 2009**

**Deficiency 3:** The CUPA is not inspecting all stationary sources at least once every three years.

**Corrective Action:** By October 30, 2008, the CUPA will develop and submit an action plan outlining how the CUPA will inspect all of the stationary sources once every three years. Beginning October 30, 2008, the CUPA will submit a report of their progress, including the number of facilities inspected.

**CUPA Update 1:** An action plan has been developed outlining how the CUPA will inspect all of the stationary sources once every three years.

**ACTION PLAN DETAIL:** 120 CalARP facilities exist, 20 have been inspected and 100 are due for inspection, 33 to 35 sites will be identified a year for inspection and audit. A minimum of 2-3 facilities will be inspected per month by the each staff person assigned to the program.

***Comments to Update 1:*** The CUPA has developed an action plan to inspect all CalARP facilities at least once every three years. This deficiency remains in the process of being corrected. OES looks forward to following the CUPA's progress on inspecting its facilities. On the next update, due January 28, 2009, please include the total number of CalARP facilities and the number of facilities inspected for compliance.

**CUPA Update 2:** 123 CalARP facilities exist, 23 have been inspected and 100 are due for inspection, 33 to 35 sites will be identified a year for inspection and audit. At least 3 have been inspected during this fiscal year and additional staff is being trained to

perform the inspections in relation to the 5 year re-submittal requirement for USEPA. A minimum of 2-3 facilities will be inspected per month by the each staff person assigned to the program.

**Comments to Update 2:** *The CUPA has developed an action plan to inspect all CalARP facilities at least once every three years. This deficiency remains in the process of being corrected. OES looks forward to following the CUPA's progress on inspecting its facilities.*

**CUPA Corrective Action (Update 3):** As of March 31, 2009, 25 CalARP facilities have been inspected by CUPA staff. We are maintaining our goal of 2-3 facilities inspected per month.

**Comments to Update 3:** *This deficiency remains in the process of being corrected. OES looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of CalARP facilities and the number of facilities inspected for compliance on the next progress report due July 27, 2009.*

**CUPA Corrective Action (Update 4):** As of June 30, 2009, 26 CalARP facilities have been inspected by CUPA staff. We are maintaining our goal of 2-3 facilities inspected per month. The review of activity showed 85 CalARP facilities had activity during the fiscal year. An in-depth analysis will be done to see if additional inspections numbers will be added to the final count.

**Cal EMA Comments to Update 4:** *This deficiency remains in the process of being corrected. Cal EMA looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of CalARP facilities and the number of facilities inspected for compliance on the next progress report.*

**Deficiency 5:** The CUPA is not inspecting all regulated businesses subject to the hazardous materials reporting requirements, including farms, at least once every three years.

**Corrective Action:** By October 30, 2008, the CUPA will develop and submit an action plan outlining how the CUPA will inspect all of the regulated businesses once every three years. Beginning October 30, 2008, the CUPA will submit a report of their progress, including the total number of business plan facilities and the number of facilities inspected for compliance.

**CUPA Update 1:** An action plan has been developed outlining how the CUPA will inspect all of the Hazardous Material Business Plan (HMBP) once every three years.

**ACTION PLAN DETAIL:** 2197 HMBP facilities exist, 835 have been inspected and 1362 are due for inspection, 450-460 sites will be identified a year for inspection and audit. An average of 8-10 facilities will be inspected per month by each of 7 staff assigned to the program.

**Comments to Update 1:** *The CUPA has developed an action plan to inspect all business plan facilities at least once every three years. This deficiency remains in the process of being corrected. OES looks forward to following the CUPA's progress on inspecting its facilities. On the next update, due January 28, 2009, please include the total number of business plan facilities and the number of facilities inspected for compliance.*

**CUPA Update 2:** During the first 6 months of the current fiscal year (July-Dec 31, 2008) CUPA staff have completed 278 facility inspections. This number is still below the planned average. However 2 CUPA staff were required to attend 4 weeks of specialized training for emergency response and the office was closed for 1 week during the holidays. If these are factored into the assessment staff are on track to inspect all regulated businesses within the next 3 years.

**Comments to Update 2:** *The CUPA has developed an action plan to inspect all business plan facilities at least once every three years. This deficiency remains in the process of being corrected. OES looks forward to following the CUPA's progress on inspecting its facilities.*

**CUPA Corrective Action (Update 3):** During the first 9 months of the current fiscal year (July-March 31, 2009) CUPA staff have completed 401 facility inspections of the 2210 active HMBP facilities in the county. This number is still below the planned average. The CUPA Program will be launching an online Public Portal for the electronic submission of Hazardous Materials Business Plans. The Portal will enhance the capability of the CUPA program and hopefully provides for some staff efficiencies that will allow staff to perform more inspections and have less time handling paper forms.

**Comments to Update 3:** *This deficiency remains in the process of being corrected. Please continue to provide progress on your next update for inspection of your HMBP facilities.*

**CUPA Corrective Action (Update 4):** During the current fiscal year CUPA staff has completed 554 facility inspections of the 2191 active HMBP facilities in the county. An in-depth analysis will be done to see if additional inspections numbers will be added to the final count.

**Cal EMA Comments to Update 4:** *This deficiency remains in the process of being corrected. Cal EMA looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of HMBP facilities and the number of facilities inspected for compliance on the next progress report.*

**Deficiency 11:** The CUPA is not conducting hazardous waste generator inspections with a frequency consistent with it's I&E Program Plan, which is triennial.

**Corrective Action:** The CUPA will prioritize inspections based on the risk and complexity of the facilities, including Resource Conservation Recovery Act (RCRA) large quantity generators (LQG's). Beginning October 30, 2008, the CUPA will provide the number of inspections conducted.

**CUPA Update 1:** The CUPA has prioritized inspections based on the risk and complexity of the facilities, including Resource Conservation Recovery Act (RCRA) large quantity generators (LQG's).

ACTION PLAN DETAIL: 1281 hazardous waste generators in the county, 554 have been inspected and 757 are due for inspection, 250-275 sites will be identified a year for inspection. An average of 3-5 facilities will be inspected per month by each of the 7 staff assigned to the program.

**Comments to Update 1:** *DTSC appreciates the CUPA's efforts in continuing to identify and prioritize LQG inspections. However, this deficiency remains in the the CUPA has inspected about 20.8% of their hazardous waste generators (HWG) during fiscal year 07/08; which remain below the CUPA's triennial inspection frequency goal for the HWG program. Submit a status of the CUPA's progress in implementing their plan on the next progress report.*

**CUPA Update 2:** 168 have been inspected during the current fiscal year. The CUPA staff is meeting the planned inspection average of 3-5 facilities inspected per month by each of the 7 staff assigned to the program. The CUPA staff is on track to inspect all regulated businesses within the next 3 years.

**Comments to Update 2:** *DTSC appreciates the CUPA's efforts to correct this deficiency. On the next progress report, please update Cal/EPA on the status of this deficiency, including the number of hazardous waste generators (HWG) inspections inspected*

**CUPA Corrective Action (Update 3):** 259 HWG facilities have been inspected during the current fiscal year. The CUPA staff is meeting the planned inspection average of 3-5 facilities inspected per month by each of the 7 staff assigned to the program. The CUPA staff is on track to inspect all regulated businesses within the next 3 years.

**DTSC Response to Update 3:** *DTSC appreciates the CUPA's efforts in trying to correct this deficiency. Please update Cal/EPA on the number of hazardous waste generators (HWG) inspections inspected on the next progress report.*

**CUPA Corrective Action (Update 4):** 354 HWG facilities have been inspected during the current fiscal year. An in-depth analysis will be done to see if additional inspections numbers will be added to the final count.

**DTSC Response to Update 4:** *DTSC appreciates the CUPA's efforts in trying to correct this deficiency. However, this deficiency remains since the CUPA has inspected*

*about 24.8% of their hazardous waste generators (HWG) during fiscal year 08/09; which remain below the CUPA's triennial inspection frequency goal for the HWG program. Please update Cal/EPA on the number of hazardous waste generators (HWG) inspections inspected on the next progress report.*